UNAPPROVED

BOARD OF DENTISTRY

MINUTES
SPECIAL CONFERENCE COMMITTEE "B"

TIME AND PLACE:	Special Conference Committee "B" convened on August 1, 2014, at 1:30 p.m., at the Department of Health Professions, Perimeter Center, 2nd Floor Conference Center, 9960 Mayland Drive, Henrico, VA 23233.
PRESIDING:	Charles E. Gaskins, III, D.D.S.
MEMBERS PRESENT:	John M. Alexander, D.D.S.
MEMBERS ABSENT:	A. Rizkalla, D.D.S.
STAFF PRESENT:	Kelley W. Palmatier, Deputy Executive Director Donna Lee, Discipline Case Manager Shevaun Roukous, Adjudication Specialist
QUORUM:	With two members present a quorum was established.
Annamalai Nadarajan, D.M.D., Applicant Case No.: 155202	Dr. Nadarajan appeared without counsel to discuss his Application for Licensure by credentials to practice dentistry in the Commonwealth of Virginia, and the allegations set forth in a Notice of the Board dated July 21, 2014. The Committee received statements from Dr. Nadarajan and discussed the allegations with him.
Closed Meeting:	Dr. Alexander moved that the Committee convene a closed meeting pursuant to § 2.2-3711(A)(27) of the Code of Virginia for the purpose of deliberation to reach a decision in the matter of Annamalai Nadarajan. Additionally, Dr. Alexander moved that Ms. Palmatier, Ms. Lee, and Ms. Roukous attend the closed meeting because their presence in the closed meeting is deemed necessary and their presence will aid the Committee in its deliberations. The motion was seconded and passed.
Reconvene:	Dr. Alexander moved that the Committee certify that it heard, discussed or considered only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened. The motion was seconded and passed.

DECISION:
Case No.: 155202

Ms. Roukous reported that the Committee found that by Consent Order dated August 11, 1998, the Board of Dental Examiners of Alabama ("Alabama Board") suspended Dr. Nadarajan's license for two years, reverting it after 6 months to 4 ½ years probation subject to terms and conditions. This action was based on Dr. Nadarajan's felony conviction wherein he represented to the Alabama Medicaid Agency that certain dental procedures were performed, and he received payment or partial payment for procedures, when in fact, some or all of the said dental procedures were not performed.

By Public Consent Order accepted January 17, 2001, the Georgia Board of Dentistry ("Georgia Board") suspended Dr. Nadarajan's license for 180 days followed by reinstatement with probation for a period of 5 years. This action was based on the action taken by the Alabama Board by Consent Order dated August 11, 1998.

By Consent Order dated May 31, 2002, the Alabama Board suspended Dr. Nadarajan's license for 5 years, reverting it to 5 years probation immediately subject to the successful completion and compliance with terms and conditions to include suspending his controlled substance permit for 5 years. This action was based on the fact that Dr. Nadarajan prescribed, administered or dispensed controlled substances to individuals not under treatment in his practice of dentistry, by writing and/or calling in prescriptions for controlled substances in the names of other individuals and then receiving some or all of those drugs for his own use, and his habitual use of intoxicants or drugs rendering him unfit for the practice of dentistry. By Amended Order dated March 21, 2006, the Alabama Board reissued his controlled substances permit subject to conditions.

By Second Public Consent Order docketed on or about January 19, 2007, the Georgia Board terminated the probation of Dr. Nadarajan's license to practice dentistry, and placed his license on monitoring for a period of 5 years subject to terms and conditions, to include remaining in treatment or aftercare with a monitoring physician experienced in addictionology, participation in a support group such as Alcoholics Anonymous and Caduceus Club, abstaining from mood altering substances, monitoring by a physician, and random drug/alcohol screens.

By Consent Order dated September 7, 2012, the Alabama Board suspended Dr. Nadarajan's license for 5 years, reverting it immediately to 5 years probation subject to the successful

completion of and compliance with terms and conditions. This action was based on his habitual use of intoxicants or drugs rendering him unfit for the practice of dentistry, and his failure to comply with the Amended Order of March 21, 2006.

By Third Public Consent Order docketed April 1, 2013, the Georgia Board placed Dr. Nadarajan's license on probation for 5 years and subject to terms and conditions, to include not practicing dentistry in the State of Georgia until and unless permission is granted in writing by the Board. This action was based on his relapse with alcohol, which violated the monitoring terms and conditions contained in the Second Public Consent Order.

The Committee found that Dr. Nadarajan is unsafe to practice dentistry due to his use of alcohol or drugs as evidenced by his own admission that from about 1990 to 2002, he abused Lortab, Vicodin, proposyphene and Tylox, and practiced while under the influence.

The Committee also found that Dr. Nadarajan has a history of opioid and alcohol dependency; history of prior treatment and a relapse on alcohol in 2011 and 2012; another inpatient treatment for alcohol dependency in June 2012; and that his condition requires treatment and ongoing monitoring.

The Committee further found that Dr. Nadarajan made fraudulent statements when he submitted an Application for Licensure to the Board in that he responded "no" to a question which reads: "Have you ever been convicted of a violation or plead Nolo Contendere to any federal, state or local statute, regulations or ordinance or entered into any plea bargaining relating to a felony or misdemeanor?" Dr. Nadarajan was convicted of Medicaid Fraud, a felony, in around 1998 when he billed the Alabama Medicaid Agency for certain dental procedures performed, and received payment or partial payment for procedures, when in fact, some or all of the said dental procedures were not performed.

Dr. Nadarajan also responded "no" to a question on his Application which reads: "Have you ever had any of the following disciplinary actions taken against your license to practice dentistry, your DEA permit, Medicare, Medicaid, or any such actions pending: suspension/revocations, or probations, or reprimand/cease and desist, or monitoring of practice, or limitation placed on scheduled drugs?" The National

Practitioner DataBank Report revealed that on or about November 19, 1998, Dr. Nadarajan was excluded from participation in Medicare, Medicaid and all other federal health care programs due to his felony conviction.

Dr. Nadarajan responded "no" to a question on his Applicaton which reads: "Do you have a physical disability, disease, or diagnosis which could affect your performance or professionsl duties?" Dr. Nadarajan has a history of alcohol and drug dependency.

Dr. Nadarajan responded "no" to a question on his Application which reads: "have you ever been dropped, suspended, expelled or disciplined by any school or college for any cause whatever?" Dr. Nadarajan was placed on academic suspension in 1990 while at the University of Alabama while attempting to earn a master's degree in Public Health.

Ms. Roukous reported that the Committee denied Dr. Nadarajan's Application for Licensure by credentials to practice dentistry in the Commonwealth of Virginia.

The decision was unanimously accepted by the Committee.

Approval of Minutes: Upon a motion by Dr. Alexander, the minutes from the Credentials Committee conducted on January 31, 2014 and June 20, 2014 were approved.

ADJOURNMENT: With all business concluded, the Committee adjourned at 2:45 p.m.

Charles E. Gaskins, III, D.D.S. Chair

Sandra K. Reen, Executive Director

Date

Date